

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIALT5467
(Inmate Number)Mario Medina
(Name of Plaintiff)S.C.I. FOREST P.O. BOX 945
(Address of Plaintiff)Monroeville, P.A. 1639

(Case Number)

COMPLAINT

vs.

C.O. Snowberger, I.T. John Doe / SHILUNGC.O. John Doe #1 C.O. John Doe #2, D.O.CS.C.I. Benner Health Care Provider / Casner
(Names of Defendants) TOM WOLF, WENTZELFILED
SCRANTON

MAY 14 2020

PER [Signature]
DEPUTY CLERKTO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS
☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

I. Previous Lawsuits

- A. If you have filed any other lawsuits in federal court while a prisoner please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. Exhaustion of Administrative Remedies

- A. Is there a grievance procedure available at your institution?
☒ Yes ☐ No
- B. Have you filed a grievance concerning the facts relating to this complaint?
☒ Yes ☐ No

If your answer is no, explain why not _____

- C. Is the grievance process completed? ☐ Yes ☒ No

- (b) Please explain in detail why you are under imminent danger of serious physical injury:

The Attack was Done by Correctional officers of the Department of Corrections. I am a target by these officers and its on my record of the abuse and Grievance and threat is on each other side.

4. (a) Are you presently employed at the Institution? Yes _____ No ☒
(b) If yes, what is your monthly compensation? \$ N/A

5. Do you own any cash or other property; have a bank account; or receive money from any source? Yes _____ No ☒

If the answer is "yes" to any of the above, describe each source and the amount involved.

N/A

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 5-5-20
(Date)

Mario Medina
(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant C.O. Snowberger is employed as C.O. Correctional officer at S.C.I. Benner 301 institution Drive
- B. Additional defendants L.T. John Doe of RHO #1 C.O. Hammer / LT. SHILING
Counselor Casner / Unit Manager Rupert / PRC Department / Warden
Facility Manager of S.C.I. Benner, Sec WENTZEL, GOV. TOM WOLF
Camp Hill Eastern Division

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. Correctional officer Snowberger sprayed me with O.C. during Dinner
on June 13 2018. In which he tried to do it discretely and sneaky
while serving dinner but also sprayed himself and locked the
food slot. D.O.C. was notified and covered up the Assault.
2. On June 13 Friday 2018 around 5:30 pm - 6:30 pm I called bubble
officer #1 John Doe Correctional officer to inform him I was sprayed
with O.C. but was not paid any attention and I had to
keep ringing the cell bell to get #1 John Doe C.O. Attention.
3. L.T. SHILING DE Second Shift of the RHO had threatened me to
sign off on 2 grievance or I was going to receive alot
of abuse and unwanted Attention. I Also wrote numerous
request to the Warden, PRC, my Counselor of my Attack.

LTS467

MARIO MEDINA

5-5-20

On Friday June 15, 2018 I was Assisted by Correctional Officer Snowberger

while he was serving dinner around 5:30 pm - 6:30 pm. While my slot was

open he tried to push my tray in the slot and called my name so

he can deliberately spray O.C. in my face and on my food. After spraying

myself and catching himself due to the tray back firing some O.C. spray

forwards his face he locked and secured the food slot and left me to

sit in O.C. and a Contaminated Cell. I began to hit the buzzard Bell to

Call the C.O. in the Bubble to let them know I got sprayed and to alert

medical department. One hour later when they believed some part of the story

I was brought to a rinse area to clean my eyes and evaluate my EYES.

At this time the L.T. SHILINK and other C.O.s promised to get me

cleaned and then the threats began a couple days later so I can

sign off and if I didn't I would not receive any of my commissary

nor I wouldn't be able to come out my cell for L.A. Library and Recreation.

I dealt with all threats and I let my Counselor and Unit Manager

know especially the P.R.C. team so I can be transferred to STGM.

Note in 2018 the mail system and all grievance and Appeals were

not being held Accountable due to the state wide lock down.

Mario Medina LTS467

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I seek compensation of \$ 75,000.00
Seventy thousands dollars For pain and suffering
mental and physical Abuse.

2. All FINES and Cost, Court and Attorney
bills paid.

3.

Signed this 5-5-20 day of Tuesday, May 5, 20, -20.

Mario Medina
 (Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

5-5-20
 (Date)

Mario Medina
 (Signature of Plaintiff)

EXHIBIT # 1

I inmate Cochran GB5952 witnessed T.J. Snowburger C spray inmate Medina LT5467 with peper spray threw the tra slot inbetween 5:30 and 6:00 during tray pick up. It was wensday the 13th of June. After spraying him he left him in the cell for about 1 and half hour befor coming to check up on him. These are true facts based on me eye witnessing this happen.

It occurred in Cell JA 230

GB5952

JA 124

William Cochran



EXHIBIT #2

(w)

TO Mario Medina, LT5467
SCI Greene

FROM Charles Hensley *CH*
Staff Assistant, Eastern Region

DATE July 30, 2018

RE **Correspondence**

This is in response to your July 18, 2018 correspondence addressed to Executive Deputy Secretary Moore Smeal in reference to being retaliated against after some negative interactions you had with staff and inmates at Benner Township. Your correspondence has been referred to me for review and response.

Mr. Medina, I have reviewed and investigated your complaints. Your concerns indicate that staff at SCI-Benner Township is retaliating against you. You have filed a grievance in regards to this concern. Please be advised that this office will not interfere with the DC ADM 804 (grievance policy). You need to follow this policy and file appeals as required.

Your record indicates that you were involved in several instances of negative, gang related activities at SCI-Benner Township. As a result, you were returned to the Security Threat Group Management Unit at SCI-Greene. I trust you will actively participate in the programming and cease your gang related activities.

By copy of your letter and this response, SCI Benner Township and SCI Greene Administrative staff are being notified of your concerns.

/ch

cc:
Superintendent Gilmore
Superintendent Marsh
carlking #2018-C42-000000053
File

EXHIBIT #3

J.A. 2030.01

Form DC-135A	Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		
Facility Grievance Coordinator 1. To: (Name and Title of Officer)		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
3. By: (Print Inmate Name and Number) <u>Mario Medina LT8467</u> <u>Mario Medina</u> Inmate Signature		2. Date: <u>7-13-18</u> 4. Counselor's Name: <u>Mr. Casner</u> 5. Unit Manager's Name: <u>Ms. Ruppert</u>
6. Work Assignment: <u>NA</u>		7. Housing Assignment: <u>JA-230</u>
8. Subject: State your request completely but briefly. Give details. <u>I was forced to sign off on a grievance I put in on Friday 13, 2018 around 6:00 - 7:00 pm</u> <u>So I can receive my Commissary. I was told if I didn't sign off I wouldn't</u> <u>get my stuff and would pay for my Achurs.</u>		
<div style="text-align: right;"> <div style="border: 1px solid black; padding: 5px; transform: rotate(-5deg);"> RECEIVED JUL 17 2018 CSA Office </div> </div>		
9. Response: (This Section for Staff Response Only) <u>Medina</u> <u>This office has not received a grievance</u> <u>from you that was dated 7/13/18. The last grievance</u> <u>we received from you was on 7/11/18, and it was</u> <u>rejected for lack of documentation.</u> <u>Therefore, it is impossible that you have been</u> <u>forced to "sign off" on a grievance from 7/13/18.</u>		
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>

STAFF MEMBER NAME

L. Hughes Ad
 Print

[Signature]
 Signature
DATE 7/17/18

County of Centre

EXHIBIT #4



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE DISTRICT ATTORNEY

MARK S. SMITH
First Assistant District Attorney

SEAN P. MCGRAW
Deputy District Attorney

BERNIE CANTORNA
District Attorney

Courthouse Annex, Room 302
106 East High Street
Bellefonte, PA 16823
Telephone (814) 355-6735
Victim/Witness (814) 548-1107

July 27, 2018

Mario Medina # LT5467
SCI Greene
169 Progress Dr.
Wayneburg, PA 15370

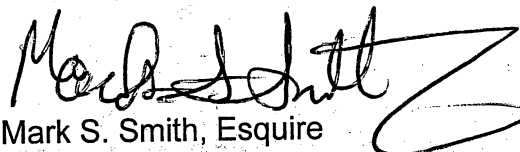
RE: Filing of Private Criminal Complaint

Dear Mario:

I am in receipt of your letter dated June 14, 2018 wherein you allege that you were assaulted on June 13, 2018 and you state that you would like to file a Private Criminal Complaint. I have enclosed a Private Criminal Complaint form that must be completed and returned at your earliest possible convenience. It will need to include the names of the persons who assaulted you, the specific crimes you allege were committed, and the details of the assault.

Since the Centre County District Attorney's Office does not have a County Detective, I am referring your letter to the Office of Special Investigations and Intelligence located within the Pennsylvania Department of Corrections for an investigation. I will notify you when the investigation is complete.

Sincerely,


Mark S. Smith, Esquire
First Assistant District Attorney

MSS/mss

County of Centre

EXHIBIT # 5.



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE DISTRICT ATTORNEY

MARK S. SMITH
First Assistant District Attorney

SEAN P. MCGRAW
Deputy District Attorney

BERNIE CANTORNA
District Attorney

Courthouse Annex, Room 302
106 East High Street
Bellefonte, PA 16823
Telephone (814) 355-6735
Victim/Witness (814) 548-1107

August 15, 2018

Mario Medina #LT5467
SCI Greene
169 Progress Dr.
Wayneburg, PA 15370

Re: Mario Medina #LT5467 v C O Snowberger

Dear Mario:

I am in receipt of your Private Criminal Complaint wherein you allege that C. O. Snowberger assaulted you on July 18, 2018 while you were celled at SCI-Benner Township..

Since the Centre County District Attorney's Office does not have a County Detective, I have referred this matter to the Office of Special Investigations and Intelligence located within the Pennsylvania Department of Corrections for an investigation. I will notify you when the investigation is complete.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Smith".

Mark S. Smith, Esquire
First Assistant District Attorney

MSS/mss

INMATE
MAIL

neopost
05/12/2020

FIRST-CLASS MAIL

US POSTAGE \$001.60



ZIP 16239
041M12251506

Medina LT 5467

JD1010

MARIO MEDINA LT5467
S.C.I. FOREST
P.O. BOX 307
MARIETTA, PA. 16239

RECEIVED
SCRANTON

MAY 14 2020

PER

DEPUTY CLERK

U. S. DISTRICT COURT, MIDDLE DISTRICT OF PENNSYLVANIA
William J. NEALON FEDERAL Building & U.S. Courthouse
235 N. WASHINGTON AVE. P.O. BOX 1148
Scranton, P.A. 18501

